



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

OCT 18 2002

Reply To
Attn Of: WCM-126

TELEFACSIMILE AND CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Ms. RueAnn Thomas,
Environmental Programs Director
J.H. Baxter & Co.
85 N. Baxter Road
P.O. Box 10797
Eugene, OR 97440-2797

Re: **Disapproval of the September 23, 2002, Site Investigation Addendum
J.H. Baxter & Co. Arlington Facility
§ 7003 Administrative Order on Consent (Order)
Docket No.: RCRA-10-2001-0086
EPA ID No.: WAD 05382 3019**

Dear Ms. Thomas:

The United States Environmental Protection Agency (EPA) has completed its review of the above-referenced Addendum. In accordance with Section XII (EPA Approval of Plans and Other Submittals) of the Order, EPA hereby disapproves the Addendum. EPA's basis for the disapproval, comprised of comments and modifications to the Addendum, is enclosed. J.H. Baxter must submit a revised Addendum which addresses each of the enclosed EPA comments and each of EPA's specified modifications within fourteen (14) days of receipt of this letter.

Even though the work called for in this Addendum is specific to the air portion of the site characterization, the Addendum is part of the facility-wide Site Investigation Work Plan. As this Addendum is the third attempt to produce a work plan acceptable to EPA, J.H. Baxter may be subject to stipulated penalties under Section XVII of the Order per day of violation, if the revised Addendum does not satisfactorily address and incorporate the enclosed comments and modifications.

Please call me if you have any questions about this letter. I can be reached at (206) 553-0955.

Sincerely,

Kimberly A. Ogle
Project Coordinator

Enclosure

cc: SaraBeth Watson, Steptoe & Johnson, Washington D.C.
Mary Larson, J.H. Baxter, Arlington
Les Brewer, Premier Environmental, Portland
Georgia Baxter, J.H. Baxter, San Mateo

USEPA RCRA



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cc: SaraBeth Watson, Steptoe & Johnson, Washington D.C.
Mary Larson, J.H. Baxter, Arlington
Les Brewer, Premier Environmental, Portland
Georgia Baxter, J.H. Baxter, San Mateo

bcc: Rene Fuentes, OEA
Jennifer MacDonald, ORC
Herman Wong, OEA
Julie Wroble, OEA

CONCURRENCES				POLICY FILE	
Initials	KAO	JMD	CB	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Name:	Kimberly Ogle	Jennifer MacDonald	Peer	If policy file please bcc to RMSPU Manager	
Date:	10/18/02	electronically	CB		
RCRAInfo EVENT	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
SNC IDENTIFICATION	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
(Can it be entered in RCRAInfo?)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
SBREFA INFO VERIFICATION	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
PEER REVIEW	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			
REGION 9 POLICY FILE	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			

Sylvia B.
Christy B.
Carla F.
Robert H.
Sharon B.

ENCLOSURE

DISAPPROVAL COMMENTS AND MODIFICATIONS TO THE SEPTEMBER 23, 2002 SITE INVESTIGATION WORK PLAN ADDENDUM

1. EPA MODIFICATION - Page 3 and 4, Section A2: Current Process Units and Air Emission Sources (Replaces Section 2.3.4): Former Section 2.3.4 was modified by EPA in the July 8, 2002, Approval with Modification, Partial Disapproval and Conditions of Approval of the May 15, 2002, Revision 2, Site Investigation Work Plan. EPA notes that the text of Section A2 is unmodified from the text in former Section 2.3.4. Therefore, EPA hereby modifies Section A2 to comport with the modifications made by EPA in its July 8, 2002 correspondence.

Section A2 is modified to delete the existing text and replace it with the following:

"Table A2-1 identifies which process units are regulated by RCRA under 40 C.F.R. Part 265, Subparts AA and/or BB. Many of the units are process units that are not subject to RCRA requirements because they are not waste handling units.

J.H. Baxter believes that certain units that handle wastewater may be exempt from RCRA requirements and therefore Subparts AA and BB of 40 C.F.R. Part 265.

Table A2-1 also lists which process units are included in the facility's existing air quality permit issued by the Puget Sound Clean Air Agency (PSCAA). The facility is regulated under Registration No. 11138. The permit specifies the following special conditions related to operating practices and emission controls:

- The utility pole kiln may not operate using poles treated with wood preservative;
- The utility pole kiln must operate with a maximum temperature of 230 degrees F; and,
- A water truck must be used to suppress fugitive dust in unpaved areas."

The revised Addendum must include this modification.

2. EPA MODIFICATION - Table 2-1. Summary of Potential Air Emission Sources. This table is hereby modified to remove the last column entitled, "Regulated by RCRA Subparts AA or BB?" in its entirety. The revised Addendum must include this modification.
3. EPA MODIFICATION - Table 2-1. Summary of Potential Air Emission Sources. This table is hereby modified by adding the following additional row to the end of the table:

Source ID	Source Description	Summary of Potential Air Emissions	Included in PSCAA Permit?
Contaminated Surface Soil	Surface soil containing CoPCs resulting from historic spills	Wind-generated dust	No

The rationale for the addition of this row is to make Table A2-1 consistent with Table A8-1. The revised Addendum must include this modification.

4. EPA MODIFICATION - Table A2-1. Summary of Potential Air Emission Sources: The second row of the table is hereby modified as follows:

Source ID	Source Description	Summary of Potential Air Emissions	Included in PSCAA Permit?
T7, T8	Tanks 7 and 8, PCP solution tanks for Retorts 2 and 3	Potential working loss (through tank vent) during periodic filling of working tank with used PCP solution	Yes

The rationale for this change is to make the first two columns of Table A2-1 consistent with the first two columns of Table A8-1. The revised Addendum must include this modification.

5. EPA COMMENT - Section A3.1: During a technical meeting held on August 28, 2002, EPA stated that use of air emission data from the Eugene facility to evaluate risk from emissions at the Arlington facility would be appropriate *only if* Baxter provided sufficient information to demonstrate to EPA that the Arlington and Eugene processes (i.e., wood feed rate, production, etc.) are comparable. No comparison of the two facilities' processes was included in this Addendum. Therefore, EPA cannot approve the use of Eugene facility data as a substitute for Arlington data in the proposed modeling effort unless and until sufficient information regarding the Eugene facility and a comparison of the processes at the two facilities is provided in the revised Addendum.
6. EPA MODIFICATION - Section A3.2, page 6, footnote of the last sentence of this section. This footnote is hereby modified to state the following:

"OSHA occupational limits of exposure for PCP in air differ from Region 9 PRGs for ambient air that were developed based on residential exposure assumptions. Generally, the OSHA occupational exposure limits are higher than the Region 9 PRGs. The OSHA occupational exposure limit for PCP is presented and compared with the measured data as a means to demonstrate that the facility is in compliance with relevant OSHA standards. However, this does not preclude additional exposure or risk estimates under RCRA."

The revised Addendum must include this modification.

7. EPA COMMENT - Section A4, page 6, second paragraph of this section, last sentence: This sentence currently reads, "Additional backup on the retort process used in Eugene and the emissions testing program will be provided in the SI report." It is not clear if the term "backup" is referring to the specific information about retort process and the emissions testing program at the Eugene facility which Baxter agreed to provide in the Addendum at the August 28, 2002 meeting. Without this information, the use of the Eugene facility data in the modeling effort for the Arlington facility cannot be approved by EPA. The Addendum must be revised to include, but not be limited to, the following information: general process descriptions, process flow diagrams for each facility, comparison of the size of operations and emissions, operating hours, amount of wood treated over time, process rates, e.g., number of treating cycles, hours of operations.
8. EPA COMMENT - Section A7, second bullet, page 8: This bullet states, "indirect contact with soil with deposited vapors/aerosols/particles." Contact with soil is generally considered to be a "direct contact" pathway for exposure to chemicals in the environment. Please clarify if the use of the term "indirect" is a typographical error. Because actual soil data will be available, EPA assumes that the soil concentrations will be used to assess direct contact with soil, while the air data will be used to assess inhalation exposures. Revise the text of the Addendum accordingly.
9. EPA COMMENT - Section A7, second paragraph of this section: This paragraph states that, "[I]n addition, non-process fugitive dust emission will also be estimated." Please clarify if the term "non-process fugitive dust" includes the potential for release of chemicals from soil to air in the form of windblown dust.
10. EPA MODIFICATION - Section A8, Second sentence on page 8: This sentence is hereby modified to read, "In addition, surface soil samples will be collected to assess past deposition of and potential indirect exposure to process-related chemicals in offsite surface soil." The revised Addendum must include this modification.
11. EPA COMMENT - Section A8.2, page 9 and 10: These following four additional carcinogenic PAHs must be included in the modeling effort: benzo(k)fluoranthene, ideno(1,2,3-cd)pyrene, dibenz(a,h)anthracene, and chrysene.
12. EPA MODIFICATION - Section A8.2, page 10: The last sentence of the this section is hereby modified to change the word "encountered" to "detected". The revised Addendum must include this revised text.

The Addendum has identified PCDD/PCDFs as chemicals which will be evaluated in the air quality assessment. The assessment of the air quality must specifically include the seventeen carcinogenic dioxin and furan congeners that have chlorines in the 2,3, 7-and 8 positions.

13. EPA COMMENT - Section A8.3, fifth bullet, page 11: This bullet states that "Fugitive windblown dust will be estimated using EPA's Rapid Assessment Model of windblown dust or EPA's AP-42 model for industrial wind blown dust." Typically, in past risk

assessments, EPA has accepted the use of a default particulate emission factor (PEF) of $1.316 \times 10^9 \text{ m}^3/\text{Kg}$ which usually results in relatively low air concentrations and corresponding inhalation risks, as compared to direct contact to exposures to soil. Baxter may use the default PEF in lieu of the proposed Rapid Assessment Model or AP-42 model. If Baxter chooses to use these models, additional information about the models must be included in the revised Addendum before EPA can approve the use of these models.

14. EPA COMMENT - Section A8.4.1, first full sentence on page 12: With respect to accounting for wake effects from buildings, the Industrial Source Complex (ISC3) dispersion model has been selected by Baxter to quantify air pollutant concentrations for the risk assessment. Region 10 understands Baxter is interested in using ISC3 and Building Prime Input Program (BPIP) but would not object to using ISC-PRIME and (BPIP)-PRIME. The revised Addendum must specify the chosen models.
15. EPA COMMENT - Section A8.4.1, page 12: This section must be revised to include a table which lists all the buildings and structures including dimensions (height, width and length) which could cause wake effects that will be accounted for in the modeling.
16. EPA COMMENT - Section A8.4.1, bullets 1 and 2, page 12: These bullets state what wood treating emission sources will be modeled. This section must be revised to include a table that lists all the permitted and non-permitted point, area and volume sources that are to be modeled. This same table must identify, for each source, the following information:
 - a) if the stack is vertical, horizontal or downward pointing;
 - b) source location in applicable coordinate system;
 - c) the emission rates in pounds per hour, grams per second (for area sources per square meter); and,
 - d) stack parameters for point and volume sources (including sigmas), and area source dimensions.
17. EPA COMMENT - Section A8.4.1, last paragraph of the section, page 12: The proposed grid must state the following information:
 - a) receptor spacing along the plant boundary;
 - b) near field receptor spacing;
 - c) far field receptor spacing;
 - d) receptor coordinate system; and,
 - e) location of any sensitive receptor.

18. EPA COMMENT - Section A8.4.1: The Addendum must be revised to provide clarification as to why maximum 24-hour concentrations would be used to assess exposure to noncarcinogens. Chronic exposures are still of concern, even though the exposure duration and averaging of time cancel out of the risk equation. The annual average concentrations for carcinogens and noncarcinogens must be used.
19. EPA COMMENT - Section A8.4.1: The Addendum must be revised to indicate the conversion factor that will be used to obtain an annual average concentration from an hourly ISC3 Model prediction.
20. EPA COMMENT - Section A8.4.2: All meteorological data files, and model input and output files must be provided in the revised Addendum in either a ZIP 250 file or CD-ROM.
21. EPA MODIFICATION Section A8.5, first paragraph, second sentence, page 13: This sentence currently reads, "Because atmospheric deposition is to surface soil, sampling will be limited to the 0-2 inch depth interval." The sentence is hereby modified to read, "Because dust generated from site activities may be transported beyond site boundaries, sampling will be limited to the 0-2 inch depth interval." The revised Addendum must include this revised text.
22. EPA COMMENT - Figure A5-1 indicates non-vertical pointing and horizontal stacks. If these sources are to be modeled, Baxter must follow EPA's guidance to account for these stacks.